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REMARKS

This response is intended as a full and complete response to the final Office Action mailed July 26, 2006. In the Office Action, the Examiner notes that claims 1-5, 11, 13, 14, 18-24 and 31-42 are pending of which claims 1-5, 11, 13, 14, 18-24 and 31-42 are rejected and claim 38 is objected to. Claim 38 is amended, all other claims continue unamended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

OBJECTIONS

Claim 38 is objected to because of a typographical error, namely claim 38 depends on claim 38. Claim 38 has been amended to depend from claim 37. As such, Applicants request that the objection be withdrawn.

REJECTIONS

35 U.S.C. §102

Claims 1-5, 11, 13-14, 18-24 and 31-37

The Examiner has rejected claims 1-5, 11, 13-14, 18-24 and 31-37 under 35 U.S.C. §102(e) as being anticipated by Burkhart (US2002/0006116A1, hereinafter "Burkhart"). Applicants respectfully traverse the Examiner's rejection.

Independent claim 1, as amended, recites (independent claims 11, 25, 31 and 37 recite similar relevant limitations):

"In a system providing video on demand (VOD) services via any of a plurality of incompatible VOD systems, a VOD gateway method comprising:
transmitting to each of the plurality of incompatible VOD systems a respective compatible request for a list of available VOD assets;

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receiving from each VOD system a list of respective available VOD assets; and
aggregating the received lists of available VOD assets to form a combined list of available VOD assets, the combined list of available VOD assets being adapted to be compatible with a plurality of receiver stations."

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." The Sridhar reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Burkhart fails to disclose each and every element of the claimed invention, as arranged in the claim. Specifically, Burkart discloses a distributed content management and a broadcast system for distributing content within a standard network, such as the Internet or local area network (LAN). Burkart is directed towards a service enabling content providers to "push" content to a common distribution system (e.g., a LAN-based cache subsystem), rather than a service for VOD users.

It is critical to note that the Burkart arrangement and the claimed invention differ in several significant ways, such as:

(1) Burkart is simply not directed to multiple VOD systems, much less the claimed "a plurality of incompatible VOD systems."

While paragraph 24 of Burkart indicates that on-demand access may be provided via the LAN 600, there is absolutely no indication of on-demand access via a second and/or incompatible system, much less a VOD system. There is no teaching or suggestion in Burkart that any incompatibilities exist between the various content providers and the content delivery system to which they supply content. Thus, irrespective of the source of content, the actual content made available to users inherently conforms to a common or compatible set of requirements. Moreover, there is simply no discussion within Burkart of differences in session management, control, billing or the functionality associated with incompatible VOD systems.

(2) Burkart does not teach the claimed step of "transmitting to each of the plurality of incompatible VOD systems a respective compatible request for a list of available VOD assets."

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Burkart provides content distribution to users via a local area network or compatible mechanism. As previously stated, there are no incompatible VOD systems contemplated or otherwise discussed in Burkhart.

Even if the content providers of Burkart could somehow be construed as respective VOD systems, there is no teaching of Burkart of the requesting of content as claimed. First, there is no issue of "compatibility" of any request, since there is only one system providing content according to a required format. Second, content providers choose to participate or not participate in populating or providing content to a common VOD system. Burkart at paragraph 22 states that "content is admitted to the system according to elections by a content submitter via one of a number of system-operator-constructed content-descriptive meta-data templates describing the nature of content admissible and associated instances of availability on the system." That is, the content provider decides which content is provided to the system.

(3) Burkart does not teach the claimed step of "receiving from each VOD system a list of respective available VOD assets." There is only one system for distributing content to users. Any content to be so distributed is made available to users via the one system.

As such, Applicants submit that independent claim 1 is not anticipated by Burkhart and is patentable under 35 U.S.C. §102. Since independent claims 11, 18, 31 and 31 recite similar relevant limitations, for at least the same reasons as set forth above with respect to independent claim 1, such independent claims also are not anticipated and are patentable under 35 U.S.C. §102. Furthermore, all of the remaining claims depend directly or indirectly from independent claims 1, 11, 18 and 31 and recite additional limitations thereof. As such, Applicants submit that all these dependent claims also are not anticipated by Burkhart and are patentable under 35 U.S.C. §102. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103**Claims 38-42**

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The Examiner has rejected claims 38-42 under 35 U.S.C. §103(a) as being unpatentable over Burkhart in view of Bowman-Amah (US 6,434,568 B1, hereinafter "Bowman-Amah"). Applicants respectfully traverse the rejection.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Burkhart. Since the rejection under 35 U.S.C. 102 given Burkhart has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Bowman-Amah supplies that which is missing from Burkhart to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Thus, claims 38-42 are patentable under 35 U.S.C. §103(a) over Burkhart in view of Bowman-Amah. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

9/26/06

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